

ORIGINAL

1 NORTH LAS VEGAS CITY ATTORNEY
 2 Jeffrey F. Barr, Nevada Bar No. 7269
 3 City Attorney
 4 Claudia E. Aguayo, Nevada Bar No. 8351
 5 Deputy City Attorney
 6 2250 Las Vegas Blvd. North, Suite 810
 7 North Las Vegas, Nevada 89030
 8 Telephone: (702) 633-1050
 9 Facsimile: (702) 649-8879
 10 *Attorneys for City of North Las Vegas and the*
 11 *Custodian of Records for the North Las Vegas*
 12 *Police Department*

2013 MAR -5 P 2:49

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEVADA

In re Grand Jury Subpoenas Duces Tecum

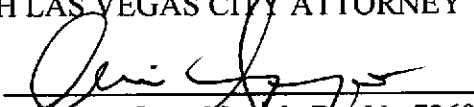
Grand Jury Subpoena Duces Tecum Nos.
10-1-2539 and 10-1-2381MOTION TO QUASH GRAND JURY
SUBPOENAS DUCES TECUM

17 The City of North Las Vegas and the Custodian of Records for the North Las Vegas Police Department,
 18 pursuant to Fed. R. Crim. P. 17(c), move to quash Grand Jury Subpoenas Duces Tecum numbers 10-1-2539
 19 and 10-1-2381, each addressed to the Custodian of Records for the North Las Vegas Police Department. This
 20 motion is based on the pleadings and papers filed in this case and the Points and Authorities that follow.
 21

DATED this 5th day of March, 2013.

NORTH LAS VEGAS CITY ATTORNEY

BY:


 Jeffrey F. Barr, Nevada Bar No. 7269
 Claudia E. Aguayo, Nevada Bar No. 8351
 2250 Las Vegas Blvd. North, Suite 810
 North Las Vegas, Nevada 89030
Attorneys for City of North Las Vegas and the
Custodian of Records for the North Las Vegas
Police Department

POINTS AND AUTHORITIES

I. INTRODUCTION

On or about December 3, 2012, Lisa Watson, Special Agent for the United States ("the U.S."), faxed¹ Subpoena Duces Tecum number 10-1-2381 to attorneys for the City of North Las Vegas and North Las Vegas Police Department Custodian of Records ("the Police Department"). Exhibit 1 ("Ex. 1"). The subpoena duces tecum sought "documentation related to any allegations of misconduct or findings of untruthfulness, to include Giglio [sic] or Brady [sic] material, for Timothy Eaton, Hollis Salahuddin, Sandra Kang, and Francis Hanson, for the duration of their employment with the North Las Vegas Detention Center." Ex. 1. The subpoena listed a compliance deadline of January 15, 2013 at 4:00 p.m. Ex. 1.

On or about January 8, 2013, the Police Department responded in writing to the subpoena, explaining that Eaton, Kang, and Hanson had no misconduct formally alleged or sustained against them. Exhibit 2 ("Ex. 2"). The Police Department further explained that Salahuddin had a number of misconduct violations formally charged against her, including Aiding Escape, General Use (Computer), two charges of Employee Conduct, Unprofessional Conduct, and Inmate Interaction. After arbitration, however, only one charge, Inmate Interaction, was sustained. Ex. 2.

On or about February 12, 2013, Assistant U.S. Attorney Ryan Murguia telephonically contacted counsel for the Police Department, Deputy City Attorney Claudia Aguayo, to request that all documentation related to allegations of misconduct against Eaton, Salahuddin, Kang, and Hanson be turned over to the Federal Government. The Police Department's attorney objected on grounds that officer internal affairs records are confidential and privileged. The Police Department nevertheless offered to stipulate to an in-camera review of its records by the district court. The U.S. refused, asserting that the U.S. was entitled to review each

¹ Each of the subpoenas at issue was faxed and not served by a non-party 18 years or older, as required by Fed. R. Crim. P. 17(d).

1 officer's personnel record for any potentially relevant information. The parties agreed to conduct additional
2 research and discuss the matter further.

3 On or about February 21, 2013, Special Agent Watson faxed Subpoena Duces Tecum number
4 10-1-2528 to attorneys for the Police Department. Exhibit 3 ("Ex. 3"). The subpoena duces tecum sought "all
5 documentation and/or reports contained within the IAPro system, related to the November 29, 2008 use of
6 force incident involving Correctional Officer Stuart Johnson and inmate Doyle Hedger." Ex. 3. The subpoena
7 listed a compliance deadline of February 26, 2013 at 4:00 p.m (three business days later). Ex. 3.

9 On the following day, February 22, 2013, the government faxed Subpoenas Duces Tecum numbers
10 10-1-2530 and 10-1-2539 to attorneys for the Police Department. Subpoena number 10-1-2530 sought
11 documentation in the Police Department's Offender Track system related to the November 29, 2008 use of
12 force incident involving former Correctional Officer Stuart Johnson and inmate Doyle Hedger. Exhibit 4 ("Ex.
13 4"). Subpoena number 10-1-2539 sought "the entire Policy and Procedure manual used by North Las Vegas
14 Detention Center Correctional Officers and Employees. [Specifically,] the Manual version which would have
15 been current in November 2008." Exhibit 5 ("Ex. 5"). Both subpoenas listed a compliance deadline of
16 February 26, 2013 at 4:00 p.m (two business days later). Ex. 4, 5.

19 On or about February 25, 2013, attorneys for the Police Department and the U.S. again spoke
20 telephonically regarding all four subpoenas. The Police Department agreed to provide the Offender Track
21 records requested.² The Police Department also agreed to provide its police policy manual, which was
22 available to the public online. The Police Department later agreed to provide the requested IAPro records.
23 The Police Department, however, objected to the request for police procedure manuals under subpoena number
24 10-1-2539, as such manuals are confidential and protected by the law enforcement privilege. In addition, the
25 Police Department objected that the subpoena was overbroad, as it sought the entire employee procedure
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28 ² Those records were provided to the U.S. on March 4, 2013.

1 manual, rather than a specific policy related to the case. The Police Department notified Mr. Murguia that it
2 would be filing a motion to quash the subpoenas seeking confidential peace officer personnel records and
3 confidential law enforcement manuals. Because of the short time for set for compliance on the subpoenas, the
4 parties agreed that the Police Department's motion to quash could be filed after the compliance date listed on
5 the subpoenas.
6

7 The Police Department now moves to quash Grand Jury Subpoena numbers 10-1-2381 and 10-1-2539.
8 Grand Jury Subpoena number 10-1-2381 seeks an officer's internal affairs record. That subpoena is
9 unreasonable and oppressive and should be quashed, as it seeks confidential information, intrudes on Officer
10 Salahuddin's privacy interests, violates officers' Fifth Amendment rights, and seeks irrelevant information.
11 Grand Jury Subpoena number 10-1-2539 seeks a confidential police procedure manual. That subpoena is also
12 unreasonable and oppressive and should also be quashed, as law enforcement procedure manuals are protected
13 by the law enforcement privilege, the subpoena is overbroad, and the U.S. cannot demonstrate that the manual
14 is relevant or material to its investigation.
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16 II. ARGUMENT

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18 A. GRAND JURY SUBPOENA NUMBER 10-1-2381, WHICH SEEKS OFFICER SALAHUDDIN'S
19 INTERNAL AFFAIRS RECORD, SHOULD BE QUASHED BECAUSE THE CITY'S INTEREST
20 IN KEEPING SUCH RECORDS CONFIDENTIAL OUTWEIGHS THE GRAND JURY'S
21 INTEREST IN CONDUCTING A BLIND FISHING EXPEDITION.

22 Although the grand jury has broad powers, "the powers of the grand jury are not unlimited and are
23 subject to the supervision of a judge." *Branzburg v. Hayes*, 408 U.S. 665, 688, 92 S.Ct. 2646, 33 L.Ed.2d 626
24 (1972); *United States v. R. Enterprises, Inc.*, 498 U.S. 292, 299, 111 S. Ct. 722, 727, 112 L. Ed. 2d 795 (1991)
25 ("The investigatory powers of the grand jury are ... not unlimited. ... Grand juries are not licensed to engage
26 in arbitrary fishing expeditions..."). The grand jury's investigatory powers are subject to the limit imposed
27 by Rule 17(c) of the Federal Rules of Crim. Proc., which provides that "the court on motion made promptly
28 may quash or modify the subpoena if compliance would be unreasonable or oppressive." *See R. Enterprises*

1 at 299. A grand jury subpoena is presumed to be reasonable and the burden of showing unreasonableness is
2 on the recipient who seeks to avoid compliance. *Id.* at 301.

3 "[W]hat is reasonable depends on the context." *Id.* at 299 (internal quotation marks omitted). Rule
4 17(c) "requires the district court to balance the burden of compliance, on the one hand, against the
5 governmental interest in obtaining the documents on the other." *Id.* at 303. The reasonableness of a subpoena
6 can depend on a number of factors. *Id.* at 305-06. Significant intrusions on privacy interests or other
7 confidential information can be valid reasons for challenging a grand jury subpoena duces tecum. *Id.* A
8 subpoena may also be unreasonable or oppressive under Rule 17(c) if it is irrelevant. *Id.* at 301. Subpoenas
9 may also be unreasonable or oppressive if they are excessively broad. *See In re Grand Jury Proceedings*, 601
10 F.2d 162, 165 (5th Cir.1979). The inquiry into the reasonableness of a particular subpoena "cannot be reduced
11 to formula; for relevancy and adequacy or excess in the breadth of the subpoena are matters variable in relation
12 to the nature, purposes and scope of the inquiry." *Okla. Press Pub. Co. v. Walling*, 327 U.S. 186, 209, 66 S.Ct.
13 494, 90 L.Ed. 614 (1946).

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16 Grand Jury Subpoena number 10-1-2381 should be quashed, as it seeks confidential information,
17 intrudes on Officer Salahuddin's privacy interests, violates officer's Fifth Amendment rights, and seeks
18 irrelevant information. That subpoena seeks records relating to allegations of officer misconduct. As officers
19 Eaton, Kang, and Hanson have had no formal charges of misconduct alleged against them during their time
20 with the Police Department, the request ultimately concerns only the internal affairs records of former
21 Detention Officer Salahuddin.
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24 Officer internal affairs records are confidential and protected by privilege. *See Sanchez v. City of San*
25 *Jose*, 250 F.R.D. 468, 470 (N.D. Cal. 2008) (A right of privacy exists with respect to confidential law
26 enforcement records.); *See also In re Dept. of Investigation of City of New York*, 856 F.2d 481, 483i Ó484 (2d
27 Cir. 1988) (Records of commission appointed to investigate conduct of city official were privileged from
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1 disclosure under the law-enforcement privilege.). *See also United States v. Cadet*, 727 F.2d 1453, 1467 (9th
2 Cir. 1984) (Given the privacy concerns in situations involving officer personnel records, a court abuses its
3 discretion when it orders disclosure of an officer's entire personnel file without first conducting an in camera
4 inspection.). The interests of a police department in protecting the confidentiality of its internal affairs records
5 justify quashing a grand jury subpoena. *See In re Grand Jury, John Doe No. G.J.2005-2*, 478 F.3d 581, 588
6 (4th Cir. 2007) (Affirming district court's decision to quash grand jury subpoena on grounds that police
7 department's interest in protecting its internal affairs records outweighed the interests of the U.S. in obtaining
8 the records.) Compliance with the subpoena here would impede the Police Department's ability to conduct
9 internal affairs investigations and violate Officer Salahuddin's privacy rights. Compliance would also be
10 inconsistent with witness officers' Fifth Amendment rights. Internal affairs interviews are compulsory for
11 employee officers. In return for compliance with internal affairs investigations, police officers are given
12 certain expectations of confidentiality. Before any questioning occurs, a subject is informed that their
13 statement will not be used against them in a subsequent criminal proceeding. Compliance with the subpoena
14 here would potentially violate officers' Fifth Amendment rights and interfere with the Police Department's
15 ability to conduct efficient and effective internal affairs investigations.

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19 In *In re Grand Jury, John Doe No. G.J.2005-2*, a federal grand jury undertook an investigation to
20 determine whether a use of force incident involving a police officer constituted a civil rights violation under
21 18 U.S.C. § 242 (2000) (deprivation of rights under color of law). *Id.* at 583. In connection with its
22 investigation, the federal grand jury issued a subpoena duces tecum requiring the production of a local police
23 agency's internal affairs records relating to the same incident. *Id.* The police department there moved to quash
24 the subpoena on grounds that compliance would destroy the confidentiality of the internal investigation and
25 undermine the department's ability to conduct such investigations effectively. *Id.* The department also
26 contended that compliance would be inconsistent with the interviewed officers' Fifth Amendment rights against
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1 self-incrimination. *Id.*

2 The district court granted the department's motion to quash the subpoena, finding that the department
3 established that compliance would pose substantial risks for confidentiality and Fifth Amendment interests.
4 *Id.* at 584. While noting that the interests of the grand jury would generally prevail, the district court held that
5 the department's interests outweighed those of the United States, and thus compliance with the subpoena
6 would be unreasonable under Rule 17(c). *Id.*

8 The United States appealed the decision and the Fourth Circuit Court of Appeals affirmed, holding that
9 the district court acted well within its discretion when it balanced the interests of the local law enforcement
10 agency against those of the federal government and found in favor of the police department. *Id.* at 586-87.
11 In upholding the district court's decision to quash the subpoena, the appellate court recognized that internal
12 affairs investigations "face an uphill battle due to the so-called 'blue wall,' the tendency of law enforcement
13 officers to place solidarity above all else and to be less than fully cooperative with investigations of fellow
14 officers." *Id.* at 586. "In such a setting, the confidentiality of internal investigations may be not only desirable
15 but essential." *Id.* In such a context, the district court was permitted to recognize that handing internal affairs
16 investigations over to an outside party or agency, including one involved in criminal investigations, would be
17 perceived by cooperating officers as a serious compromise of confidentiality. *Id.* The Court reasoned that it
18 was reasonable to quash a subpoena that arguably inflicted a lasting harm on a local law enforcement agency's
19 ability to expose and deter police misconduct. *Id.* at 586-87. The Court held that the district court did not err
20 in recognizing the local agency's interest in fostering the efficacy of internal investigations by protecting their
21 confidentiality. *Id.* at 586-87.
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25 Like the local law enforcement agency in *In re Grand Jury, John Doe No. G.J.2005-2*, the Police
26 Department's interests here outweigh those of the U.S. The Police Department has a significant interest in
27 preserving the confidentiality of its investigations. As noted above, police officers tend to place solidarity
28

1 above all else and tend to be less than cooperative with law enforcement investigations of fellow officers. The
2 confidentiality of internal investigations is therefore essential. Handing internal affairs investigations over to
3 an outside party or agency, including one involved in criminal investigations, would be perceived by
4 cooperating officers as a serious compromise of confidentiality. Compliance with the subpoena would
5 therefore inflict a lasting harm on the Police Department's ability to conduct internal affairs investigations in
6 an efficient and effective manner.

8 Furthermore, the Police Department's compliance with the subpoena would burden the Police
9 Department's significant interest in forestalling the potential violation of officers' Fifth Amendment right
10 against self-incrimination. As discussed above, officers provide statements in exchange for the assurance that
11 their statement will be kept confidential and not be used against them in a subsequent criminal matter. This
12 case is not as simple as a grand jury subpoenaing an alleged law-breaker. Rather, it reflects a tension between
13 two law enforcement interests.

15 The United States' interest in Officer Salahuddin, on the other hand, is not as compelling. First, the
16 U.S. has available to it an exceedingly simple alternative to obtaining this information – subpoenaing the
17 officers directly. Second, the U.S. has even less of an interest in officer personnel records here than it did in
18 *In re Grand Jury, John Doe No. G.J.2005-2*. Unlike that case, the records sought here do not even involve
19 the use of force incident that is the subject of the grand jury investigation. Officer Salahuddin is not the subject
20 of the grand jury investigation here. The grand jury is merely attempting to go on a blind fishing expedition
21 of a witness officer's personnel record, to see what it may recover. Salahuddin has never been charged with
22 any allegations of truthfulness, nor have any such charges ever been sustained against her. The U.S. therefore
23 can make no showing of relevance or materiality that would outweigh the Police Department's interests in
24 keeping their internal affairs records confidential.

1 Given the importance of the effective and efficient operation of the Police Department's internal affairs
 2 office and the relative ease with which the grand jury may avoid hampering that effectiveness and efficiency
 3 by subpoenaing witnesses directly, the Police Department's Motion should be granted , and Subpoena Duces
 4 Tecum 10-1-2381 should be quashed.

5
 6 B. GRAND JURY SUBPOENA NUMBER 10-1-2539 IS UNREASONABLE AND OPPRESSIVE AND
 7 SHOULD ALSO BE QUASHED, AS LAW ENFORCEMENT PROCEDURE MANUALS ARE
 8 CONFIDENTIAL AND PROTECTED BY THE LAW ENFORCEMENT PRIVILEGE.

9 Grand Jury Subpoena Duces Tecum number 10-1-2539 should also be quashed, as the police procedure
 10 manual sought is protected by the law enforcement privilege, the subpoena is overbroad, and the U.S. cannot
 11 demonstrate that the manual is relevant or material to its investigation. Law enforcement manuals are not
 12 subject to subpoena because they are protected by the law enforcement privilege. *See In re Dep't of*
 13 *Investigation*, 856 F.2d 481, 483-84 (2d Cir. 1988). The purpose of the law enforcement privilege is "to
 14 prevent disclosure of law enforcement techniques and procedures, to preserve the confidentiality of sources,
 15 to protect witness and law enforcement personnel, to safeguard the privacy of individuals involved in an
 16 investigation, and otherwise to prevent interference with an investigation." *Id.* at 484. Subpoenas seeking
 17 information protected by the law enforcement privilege should be quashed. *See United State v. Orena*, 883
 18 F.Supp. 849, 866-68 (E. D. N. Y. 1995) (quashing subpoenas seeking disclosure of law enforcement
 19 techniques and procedures because such information is protected by the law enforcement privilege).

20
 21 In *Hardy v. Bureau of Alcohol, Tobacco, and Firearms*, 631 F.2d 653, 654-57 (9th Cir. 1980), the
 22 Ninth Circuit Court of Appeals barred disclosure of a Bureau of Alcohol, Tobacco, and Firearms manual
 23 entitled "Raids and Searches (Special Agent Basic Training--Criminal Enforcement)." The Court held that
 24 "law enforcement materials, disclosure of which may risk circumvention of agency regulation, are exempt from
 25 disclosure." *Id.* at 657. Other courts have also determined that law enforcement manuals should not be
 26 disclosed. *See, e.g., Cox v. Levi*, 592 F.2d 460, 463 (8th Cir. 1979) (FBI manuals constituted "'law enforcement'
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1 matters, disclosure of which would impede law enforcement efforts."); *U.S. v. Judge*, 864 F.2d 1144, 1147
2 (5th Cir. 1989) (DEA manual "not subject to public disclosure."); and *Shay v. Mullen*, 215 A.D.2d 935, 626
3 N.Y.S.2d 580, 581-82 (1995) (preventing prosecutors from disclosing alcohol test manuals was warranted
4 based on confidentiality).

5
6 The manuals sought here are protected by the law enforcement privilege. These manuals are kept
7 confidential by the Police Department because they contain information regarding the investigative
8 methodology of the North Las Vegas Police Department. A police department's interest in not permitting the
9 general public to have access to such materials is weighty. Legitimate law enforcement efforts could be
10 frustrated and the lives of officers could be endangered if anyone who wanted to could learn details about how
11 officers are trained to accomplish their missions in specific situations. Releasing information contained in
12 the Police Department "play book" would compromise the confidential nature of these documents and increase
13 the risk of dissemination. Disclosure of these methods would endanger police operations and risk
14 circumvention of the law. Such information is kept strictly confidential so as to protect officers. Disclosure
15 to outside parties would prejudice the possibility of effective and efficient law enforcement. Such risks should
16 not be taken, especially when the U.S. has made no showing that the information contained in the North Las
17 Vegas procedures manuals is either relevant or necessary to its case. Furthermore, the grand jury's subpoena
18 here is overbroad, as it seeks the entire employee procedure manual, rather than a specific policy related to the
19 case. Again, it appears as though the grand jury is simply on a blind fishing expedition to see what it may find.
20 Such a fishing expedition is prohibited and cannot outweigh the Police Department's legitimate interest in
21 keeping its manuals confidential. Compliance with Defendant's subpoena would be unreasonable and
22 oppressive. Accordingly, Grand Jury Subpoena Duces Tecum number 10-1-2539 should be quashed.
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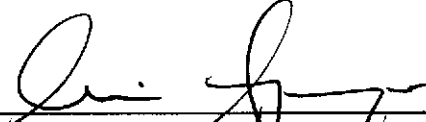
1 **III. CONCLUSION**

2 For the foregoing reasons, this Court should quash Grand Jury Subpoenas Duces Tecum Numbers 10-1-
3 2539 and 10-1-2381.

4 DATED this 5th day of March, 2013.

6 NORTH LAS VEGAS CITY ATTORNEY

7
8 BY:


Jeffrey F. Barr, Nevada Bar No. 7269
Claudia E. Aguayo, Nevada Bar No. 8351
2250 Las Vegas Blvd. North, Suite 810
North Las Vegas, Nevada 89030
Telephone: (702) 633-1050
Facsimile: (702) 649-8879
*Attorneys for City of North Las Vegas and the
Custodian of Records for the North Las Vegas
Police Department*


CERTIFICATE OF SERVICE

I HEREBY CERTIFY that service of a true and correct copy of the foregoing **MOTION TO QUASH GRAND JURY SUBPOENAS DUCES TECUM** was made on the 5th day of March, 2013, as indicated below:

- ☒ By first class mail, postage prepaid from Las Vegas, Nevada pursuant to N.R.C.P. 5(b) addressed as follows
- ☐ By facsimile, pursuant to EDCR 7.26 (as amended)
- ☐ By hand delivery
- ☐ By e-mail transmission

To the parties listed below:

Nicholas D. Dickinson
Assistant United States Attorney
333 Las Vegas Blvd. South, Suite 5000
Las Vegas, Nevada 89101


An Employee of North Las Vegas
City Attorney's Office

UNITED STATES DISTRICT COURT

for the
District of Nevada

SUBPOENA TO TESTIFY BEFORE A GRAND JURY

TO: **North Las Vegas Police Department**Attn: Custodian of Records
1301 East Lake Mead Boulevard
North Las Vegas, NV 89030

YOU ARE COMMANDED to appear in this United States district court at the time, date, and place shown below to testify before the court's grand jury. When you arrive, you must remain at the court until the judge or a court officer allows you to leave.

Place: **LLOYD D. GEORGE COURTHOUSE**
333 Las Vegas Blvd. South
Las Vegas, Nevada 89101

Date and Time: January 15, 2013
4:00 p.m.

You must also bring with you the following documents, electronically stored information, or objects (*blank if not applicable*):

Please provide documentation related to any allegations of misconduct or findings of untruthfulness, to include Giglio and Brady material, for Timothy Eaton, Hollis Salahuddin, Sandra Kang, and Francis Hanson, for the duration of their employment with the North Las Vegas Detention Center.

**PLEASE ENCLOSE A COPY OF THIS SUBPOENA WITH THE RETURNED DOCUMENTS
IN LIEU OF PERSONAL APPEARANCE, THESE RECORDS MAY BE MAILED TO THE ASSISTANT UNITED STATES
ATTORNEY, IN CARE OF PAM MRENAK, AT THE ADDRESS REFLECTED BELOW.
IF ORIGINAL DOCUMENTS, PLEASE SEND VIA REGISTERED MAIL.**

Date: January 3, 2013
NDD:LWatson:FBI:mt
(2009R01134)

LANCE S. WILSON
CLERK OF COURT (BY)

Deputy Clerk



The name, address, e-mail, and telephone number of the United States attorney, or assistant United States attorney, who requests this subpoena, are: **DANIEL G. BOGDEN**

United States Attorney

NICHOLAS D. DICKINSON

Assistant United States Attorney

333 Las Vegas Boulevard South, Suite 5000

Las Vegas, Nevada 89101

702-388-6336 or 800-539-8002



U.S. Department of Justice

*United States Attorney
District of Nevada*

333 Las Vegas Boulevard, South
Suite 5000
Las Vegas, Nevada 89101

(702) 388-6336
FAX: (702) 388-6020

NONDISCLOSURE

PLEASE DO NOT DISCLOSE THE EXISTENCE OF THE ACCOMPANYING GRAND JURY SUBPOENA FOR AN INDEFINITE PERIOD. PURSUANT TO RULE 6 OF THE FEDERAL RULES OF CRIMINAL PROCEDURE, YOU HAVE NO OBLIGATION OF SECRECY CONCERNING THIS SUBPOENA; HOWEVER, ANY SUCH DISCLOSURE COULD OBSTRUCT AND IMPEDE AN ONGOING CRIMINAL INVESTIGATION AND THEREBY INTERFERE WITH THE ENFORCEMENT OF THE LAW.

FD-448
Revised
10-27-2004FEDERAL BUREAU OF INVESTIGATION
FACSIMILE COVER SHEET

PRECEDENCE

☐ Immediate☐ Priority☒ Routine

CLASSIFICATION

☐ Top Secret☐ Secret☐ Confidential☐ Sensitive☒ Unclassified

TO

Name of Office:

North Las Vegas City Attorney's Office

Facsimile Number:

702-649-8879

Date:

12/03/2012

Attn:

Deputy City Attorney, Claudia Aguayo

Room:

Telephone Number:

702-633-1053

FROM

Name of Office:

Las Vegas

Number of Pages: (Including cover)

3

Originator's Name:

SA Lisa Watson

Originator's Telephone Number:

702-584-5574

Originator's Facsimile Number:

702-584-5642

Approved:

DETAILS

Subject:

Subpoena

Special Handling Instructions:

subpoena also faxed to Tim Meamber

Brief Description of Communication Faxed:

WARNING

Information attached to the cover sheet is U.S. Government Property. If you are not the intended recipient of this information disclosure, reproduction, distribution, or use of this information is prohibited (18.U.S.C. § 641). Please notify the originator or local FBI Office immediately to arrange for proper disposition.

NORTH LAS VEGAS



POLICE

JOSEPH CHRONISTER
CHIEF OF POLICE

January 8, 2013

Attn: Federal Bureau of Investigation
SA Lisa Watson

Re: Grand Jury Subpoena for Misconduct Documentation

Attached are the findings of the North Las Vegas Police Department in response to your request for information regarding misconduct allegations or findings of untruthfulness, to include Giglio and Brady material.

If you have any questions or concerns, please contact Lieutenant Tim Meamber at 633-1819.

Sincerely,

Joseph Chronister
Chief of Police

By:
Tim Meamber
Lieutenant - Internal Affairs Bureau

Enclosures: Summary



SUMMARY OF REQUEST

The following was found:

Employee Name & P#	Allegations	Findings - Untruthfulness	Synopsis (if required)
T. Eaton P#935	None	N/A	
S. Kang P#1856	None	N/A	
F. Hanson P#1388	None	N/A	
H. Salahuddin P#1858	Reporting for Duty (7/2009)	None	
	<ul style="list-style-type: none"> - Aiding Escape - General Use (Computer) - Employee Conduct - Unprofessional Conduct (12/2009) 	None	Employee terminated 4/2010 for the combination of these sustained misconduct allegations, as well as those following in 2/2010. Subsequent arbitration ruling upheld termination, but only for violation of Inmate Interaction. Though no Truthfulness was alleged throughout investigations, arbitrator noted Salahuddin's failure to be forthcoming.
	<ul style="list-style-type: none"> - Inmate Interaction - Employee Conduct (2/2010) 		



UNITED STATES DISTRICT COURT
for the
District of Nevada

SUBPOENA TO TESTIFY BEFORE A GRAND JURY

TO: North Las Vegas Police Department
Attention: Custodian of Records
1301 East Lake Mead Boulevard
North Las Vegas, NV 89030

YOU ARE COMMANDED to appear in this United States district court at the time, date, and place shown below to testify before the court's grand jury. When you arrive, you must remain at the court until the judge or a court officer allows you to leave.

Place: LLOYD D. GEORGE COURTHOUSE
333 Las Vegas Blvd. South
Las Vegas, Nevada 89101

Date and Time: February 26, 2013
4:00 p.m.

You must also bring with you the following documents, electronically stored information, or objects (*blank if not applicable*):

Please provide all documentation and/or reports contained within the IAPro system, related to the November 29, 2008 use of force incident involving Correctional Officer Stuart Johnson and inmate Doyle Hedger.

PLEASE ENCLOSE A COPY OF THIS SUBPOENA WITH THE RETURNED DOCUMENTS
IN LIEU OF PERSONAL APPEARANCE, THESE RECORDS MAY BE MAILED TO THE ASSISTANT UNITED STATES
ATTORNEY, IN CARE OF PAM MRENAK, AT THE ADDRESS REFLECTED BELOW.
IF ORIGINAL DOCUMENTS, PLEASE SEND VIA REGISTERED MAIL.

Date: February 20, 2013
NDD:LWatson:FBI:mt
(2009R01134)

LANCE S. WILSON
CLERK OF COURT (BY)

[Signature]
Deputy Clerk



The name, address, e-mail, and telephone number of the United States attorney, or assistant United States attorney, who requests this subpoena, are:

DANIEL G. BOGDEN
United States Attorney

NICHOLAS D. DICKINSON
Assistant United States Attorney
333 Las Vegas Boulevard South, Suite 5000
Las Vegas, Nevada 89101
702-388-6336 or 800-539-8002



U.S. Department of Justice

*United States Attorney
District of Nevada*

333 Las Vegas Boulevard, South
Suite 5000
Las Vegas, Nevada 89101

(702) 388-6336
FAX: (702) 388-6020

NONDISCLOSURE

PLEASE DO NOT DISCLOSE THE EXISTENCE OF THE ACCOMPANYING GRAND JURY SUBPOENA FOR AN INDEFINITE PERIOD. PURSUANT TO RULE 6 OF THE FEDERAL RULES OF CRIMINAL PROCEDURE, YOU HAVE NO OBLIGATION OF SECRECY CONCERNING THIS SUBPOENA; HOWEVER, ANY SUCH DISCLOSURE COULD OBSTRUCT AND IMPEDE AN ONGOING CRIMINAL INVESTIGATION AND THEREBY INTERFERE WITH THE ENFORCEMENT OF THE LAW.

FD-448
Revised
10-27-2004

FEDERAL BUREAU OF INVESTIGATION
FACSIMILE COVER SHEET

PRECEDENCE

☐ Immediate

☐ Priority

☒ Routine

CLASSIFICATION

☐ Top Secret

☐ Secret

☐ Confidential

☐ Sensitive

☒ Unclassified

TO

Name of Office:

North Las Vegas City Attorney

Facsimile Number:

702-649-8879

Date:

02/21/2013

Attn:

Claudia Aguayo

Room:

Telephone Number:

702-633-1053

FROM

Name of Office:

Las Vegas

Number of Pages: (Including cover)

3

Originator's Name:

SA Lisa Watson

Originator's Telephone Number:

702-584-5574

Originator's Facsimile Number:

702-584-5642

Approved:

DETAILS

Subject:

Special Handling Instructions:

Brief Description of Communication Faxed:

WARNING

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UNITED STATES DISTRICT COURT
for the
District of Nevada

SUBPOENA TO TESTIFY BEFORE A GRAND JURY

TO: North Las Vegas Police Department

Attention: Custodian of Records
1301 East Lake Mead Boulevard
North Las Vegas, NV 89030

YOU ARE COMMANDED to appear in this United States district court at the time, date, and place shown below to testify before the court's grand jury. When you arrive, you must remain at the court until the judge or a court officer allows you to leave.

Place: LLOYD D. GEORGE COURTHOUSE 333 Las Vegas Blvd. South Las Vegas, Nevada 89101	Date and Time: February 26, 2013 4:00 p.m.
--	--

You must also bring with you the following documents, electronically stored information, or objects (*blank if not applicable*):

Please provide all documentation, reports, and/or log entries contained within the North Las Vegas Detention Center Offender Track System, or its equivalent, to include Supervisor Logs, Inmate Logs, and/or Unit Logs related to the November 29, 2008 use of force incident involving Correctional Officer Stuart Johnson and inmate Doyle Hedger.

**PLEASE ENCLOSE A COPY OF THIS SUBPOENA WITH THE RETURNED DOCUMENTS
IN LIEU OF PERSONAL APPEARANCE, THESE RECORDS MAY BE MAILED TO THE ASSISTANT UNITED STATES
ATTORNEY, IN CARE OF PAM MRENAK, AT THE ADDRESS REFLECTED BELOW.
IF ORIGINAL DOCUMENTS, PLEASE SEND VIA REGISTERED MAIL.**

Date: February 22, 2013
NDD:LWatson:FBI:mt
(2009R01134)

LANCE S. WILSON
CLERK OF COURT (BY)
Deputy Clerk



The name, address, e-mail, and telephone number of the United States attorney, or assistant United States attorney, who requests this subpoena, are:

DANIEL G. BOGDEN
United States Attorney

NICHOLAS D. DICKINSON
Assistant United States Attorney
333 Las Vegas Boulevard South, Suite 5000
Las Vegas, Nevada 89101
702-388-6336 or 800-539-8002

UNITED STATES DISTRICT COURT
for the
District of Nevada

SUBPOENA TO TESTIFY BEFORE A GRAND JURY

TO: City of North Las Vegas
Attention: Custodian of Records
2250 Las Vegas Boulevard North
North Las Vegas, NV 89030

YOU ARE COMMANDED to appear in this United States district court at the time, date, and place shown below to testify before the court's grand jury. When you arrive, you must remain at the court until the judge or a court officer allows you to leave.

Place: LLOYD D. GEORGE COURTHOUSE
333 Las Vegas Blvd. South
Las Vegas, Nevada 89101

Date and Time: February 26, 2013
4:00 p.m.

You must also bring with you the following documents, electronically stored information, or objects (*blank if not applicable*):

Please provide the entire Policy and Procedure Manual used by North Las Vegas Detention Center Correctional Officers and employees. Please provide the Manual version which would have been current in November 2008.

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LANCE S. WILSON
CLERK OF COURT (BY)
Deputy Clerk



The name, address, e-mail, and telephone number of the United States attorney, or assistant United States attorney, who requests this subpoena, are: **DANIEL G. BOGDEN**
United States Attorney

NICHOLAS D. DICKINSON
Assistant United States Attorney
333 Las Vegas Boulevard South, Suite 5000
Las Vegas, Nevada 89101
702-388-6336 or 800-539-8002

**U.S. Department of Justice**

*United States Attorney
District of Nevada*

333 Las Vegas Boulevard, South
Suite 5000
Las Vegas, Nevada 89101

(702) 388-6336
FAX: (702) 388-6020

NONDISCLOSURE

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10-27-2004FEDERAL BUREAU OF INVESTIGATION
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Name of Office:

North Las Vegas City Attorney

Facsimile Number:

702-649-8879

Date:

02/22/2013

Attn:

Claudia Aguayo

Room:

Telephone Number:

702-633-1053**FROM**

Name of Office:

Las Vegas

Number of Pages: (including cover)

4

Originator's Name:

SA Lisa Watson

Originator's Telephone Number:

702-584-5574

Originator's Facsimile Number:

702-584-5642

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DETAILS

Subject:

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LANCE S. WILSON
CLERK OF COURT (BY)

Deputy Clerk



The name, address, e-mail, and telephone number of the United States attorney, or assistant United States attorney, who requests this subpoena, are: **DANIEL G. BOGDEN**

United States Attorney

NICHOLAS D. DICKINSON
Assistant United States Attorney
333 Las Vegas Boulevard South, Suite 5000
Las Vegas, Nevada 89101
702-388-6336 or 800-539-8002

**U.S. Department of Justice**

*United States Attorney
District of Nevada*

333 Las Vegas Boulevard, South
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